

1 Jay M. Wolman (D.C Bar No. 473756)
2 RANDAZZA LEGAL GROUP, PLLC
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5 | Counsel for Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DR. JEROME CORSI and LARRY KLAYMAN.

Plaintiffs,

vs.

**INFOWARS, LLC, FREE SPEECH SYSTEMS,
LLC, ALEX E. JONES, DAVID JONES, and
OWEN SHROYER**

Defendants.

CIVIL ACTION NO. 1:19-cv-00656-ESH

**MOTION FOR PRO HAC VICE
ADMISSION OF MARC J. RANDAZZA**

Under this Court's Local Civil Rule 83.2(d), I, Jay M. Wolman, counsel for Defendants, respectfully move that the Court permit Marc John Randazza to appear pro hac vice as counsel for Defendants. Mr. Randazza's declaration and proposed order are attached to this motion.

Pursuant to LCvR 7(m), undersigned states that the parties conferred in good-faith regarding the relief requested in this motion and the motion is not opposed.

1 Dated: April 5, 2019

/s/Jay M. Wolman

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3 RANDAZZA LEGAL GROUP, PLLC
4 100 Pearl Street, 14th Floor
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Tel: (702) 420-2001
ecf@randazza.com

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6 *Counsel for Defendants*

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RANDAZZA | LEGAL GROUP

1 CIVIL ACTION NO. 1:19-cv-00656-ESH
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3 **CERTIFICATE OF SERVICE**
4

5 I certify that on April 5, 2019, I electronically filed the foregoing with the Clerk of
6 court using CM/ECF, the court's electronic filing system, for notice to be sent to all
7 registered parties.

8 Dated: April 5, 2019
9

10 /s/Jay M. Wolman
11

12 Jay M. Wolman
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14 RANDAZZA | LEGAL GROUP
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5 Counsel for Defendants

6

7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF COLUMBIA**

10 **DR. JEROME CORSI and LARRY
KLAYMAN,**

11 Plaintiffs,

12 vs.

13 **INFOWARS, LLC, FREE SPEECH SYSTEMS,
LLC, ALEX E. JONES, DAVID JONES, and
OWEN SHROYER,**

16 Defendants.

17 CIVIL ACTION NO. 1:19-cv-00656-ESH

18 **DECLARATION OF MARC J.
RANDAZZA**

19 I, Marc John Randazza, hereby declare as follows:

20 1. My full name is Marc John Randazza.

21 2. My office address is:

22 2764 Lake Sahara Drive, Suite 109

23 Las Vegas, NV 89117

24 Tel: 702-420-2001

25 3. The bars to which I have been admitted is attached as Exhibit 1.

26 4. I have been disciplined by the Supreme Court of Nevada.

1 5. More specifically, a stayed suspension was issued by the Nevada Supreme
2 court in *In re Marc J. Randazza*, Bar No. 12265, No. 76543 (Nev. Oct. 10, 2018) pursuant
3 to an Order Approving Conditional Guilty Plea.¹

4 6. Copies of the Order and Conditional Guilty Plea are enclosed as **Exhibits 2**
5 **and 3.**

6 7. The Order arises from a negotiated agreement between myself and the
7 Southern Nevada Disciplinary Board.

8 8. The stipulated facts forming the basis of the discipline are as set forth in
9 the enclosed Conditional Guilty Plea.

10 9. As set forth in the Conditional Guilty Plea, the discipline arose from a
11 specific circumstance where I represented a company as in-house counsel, along
12 with its sister entity. Those circumstances will not repeat themselves as I am not in-
13 house counsel for any of my clients and I now recognize where I misunderstood my
14 ethical obligations.

15 10. The primary discipline imposed was a 12-month suspension, stayed for 18
16 months, during which time I am fully permitted to practice law without restriction, so
17 long as no further discipline is imposed.

18 11. I have otherwise abided the other conditions of the Order and I am
19 aware of no other grievances, with the exception of reciprocal proceedings arising
20 from the discipline, and a “screening” by the State Bar of Arizona which involves the
21 same set of operative facts as the underlying discipline in Nevada.

22
23
24 _____
25 ¹ On January 14, 2019, the State of Arizona issued a reciprocal discipline order
26 imposing a concurrent probation and a reprimand. See *In re: Marc J. Randazza*, PDJ-
27 2018-9110 (Ariz. Jan. 14, 2019).

12. Reciprocal discipline has been imposed by the State of Arizona. See

Exhibit 4.

13. I have not been admitted *Pro Hac Vice* to this court within the last two years.

14. I do not engage in the practice of law from an office in the District of Columbia.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 5, 2019

/s/ Marc J. Randazza

Marc J. Randazza

EXHIBIT 1

Marc J. Randazza, Esq.

State Bar Admissions

<u>State</u>	<u>Date of Admission</u>	<u>Bar No.</u>	<u>Good Standing</u>
Commonwealth of Massachusetts	01/24/2002	651477	Yes
State of Florida	03/25/2003	625566	Yes
State of California	05/20/2010	269535	Yes
State of Arizona	08/26/2010	027861	Yes
State of Nevada	01/06/2012	12265	Yes

Federal Court Admissions

<u>Title of Court</u>	<u>Date of Admission</u>	<u>Good Standing</u>
Supreme Court of the United States	02/28/2005	Yes
U.S. Court of Appeals for the First Circuit	05/08/2003	Yes
U.S. Court of Appeals for the Fourth Circuit	11/06/2015	Yes
U.S. Court of Appeals for the Sixth Circuit	07/30/2013	Yes
U.S. Court of Appeals for the Seventh Circuit	11/06/2009	Yes
U.S. Court of Appeals for the Ninth Circuit	09/04/2009	Yes
U.S. Court of Appeals for the Tenth Circuit	11/03/2011	Yes
U.S. Court of Appeals for the Eleventh Circuit	06/20/2003	Yes
U.S. Court of Appeals for the Federal Circuit	09/01/2006	Yes
U.S. District Court for the District of Massachusetts	06/12/2002	Yes
U.S. District Court for the Northern District of Florida	05/17/2005	Yes
U.S. District Court for the Middle District of Florida	06/09/2003	Yes
U.S. District Court for the Southern District of Florida	08/04/2006	Yes
U.S. District Court for the Northern District of Texas	11/12/2009	Yes
U.S. District Court for the Eastern District of California	06/08/2010	Yes
U.S. District Court for the Southern District of California	06/08/2010	Yes
U.S. District Court for the Central District of California	06/08/2010	Yes
U.S. District Court for the Northern District of California	06/22/2010	Yes
U.S. District Court for the District of Arizona	10/19/2010	Yes
U.S. District Court for the District of Colorado	03/28/2011	Yes
U.S. District Court for the District of Nevada	02/01/2012	Yes
U.S. District Court for the Eastern District of Wisconsin	06/18/2010	Yes
U.S. District Court for the Northern District of Ohio	02/13/2012	Yes
U.S. District Court for the Eastern District of Michigan	06/30/2009	Yes

EXHIBIT 2

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
MARC J. RANDAZZA, BAR NO. 12265.

No. 76453

FILED

OCT 10 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER APPROVING CONDITIONAL GUILTY PLEA AGREEMENT

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that this court approve, pursuant to SCR 113, a conditional guilty plea agreement in exchange for a stated form of discipline for attorney Marc J. Randazza. Under the agreement, Randazza admitted to violating RPC 1.8(a) (conflict of interest: current clients: specific rules) and RPC 5.6 (restrictions on right to practice) in exchange for a 12-month suspension, stayed for a period of 18 months subject to conditions.

Randazza has admitted to the facts and the violations alleged in two counts set forth in the amended complaint.¹ The record therefore establishes that Randazza violated the above-listed rules by loaning money to his client without informing the client in writing of the desirability of obtaining independent counsel, and by negotiating with opposing counsel to receive, as part of a settlement, a retainer for future legal services.

As Randazza admitted to the violations as part of the plea agreement, the issue for this court is whether the agreed-upon discipline

¹In exchange for Randazza's guilty plea, the State Bar agreed to dismiss the remaining seven counts in the amended complaint.

sufficiently protects the public, the courts, and the legal profession. *State Bar of Nev. v. Claiborne*, 104 Nev. 115, 213, 756 P.2d 464, 527-28 (1988) (explaining purpose of attorney discipline). In determining the appropriate discipline, we weigh four factors: “the duty violated, the lawyer’s mental state, the potential or actual injury caused by the lawyer’s misconduct, and the existence of aggravating and mitigating factors.” *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008).

Randazza has admitted to violating duties owed to his client (conflict of interest) and the legal profession (restrictions on right to practice), and the admitted facts reflect that the misconduct was knowing. His conduct may have caused a delay in the disbursement of settlement funds to his client. The baseline sanction for both rule violations, before considering aggravating and mitigating circumstances, is suspension. Standards for Imposing Lawyer Sanctions, *Compendium of Professional Responsibility Rules and Standards*, Standard 4.32 (Am. Bar Ass’n 2017) (providing that suspension is appropriate when a lawyer “knows of a conflict of interest and does not fully disclose to a client the possible effect of that conflict, and causes injury or potential injury to a client”); *id.* Standard 7.2 (providing that suspension is appropriate when a lawyer “knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system”). The record supports one aggravating circumstance (substantial experience in the practice of law) and three mitigating circumstances (absence of prior disciplinary record, full and free disclosure to disciplinary authority or cooperative attitude toward proceeding, and delay in disciplinary proceedings). Considering all the factors, we conclude that the agreed-upon discipline is appropriate.

Accordingly, we hereby suspend Marc J. Randazza for 12 months, stayed for 18 months commencing on the date of this order, subject to the following conditions: (1) Randazza shall "stay out of trouble" during the probationary period, "meaning that he will have no new grievance arising out of conduct post-dating the date of the plea which results in the imposition of actual discipline (a Letter of Reprimand or above, SCR 102) against him"; (2) he shall successfully complete 20 hours of CLE in ethics in addition to his normal CLE requirements during the probationary period; (3) he shall seek the advice and approval of an independent and unaffiliated ethics attorney in the relevant jurisdiction before obtaining any conflicts of interest waivers during the probationary period; and (4) he shall pay the actual costs of the disciplinary proceeding, including \$2,500 under SCR 120, within 30 days of this court's order, if he has not done so already. The State Bar shall comply with SCR 121.1

It is so ORDERED.

Douglas, C.J.
Douglas

Cherry, J.
Cherry

Gibbons, J.
Gibbons

Pickering, J.
Pickering

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

cc: Chair, Southern Nevada Disciplinary Panel
Gentile, Cristalli, Miller, Armeni & Savarese, PLLC
Bar Counsel, State Bar of Nevada
Kimberly K. Farmer, Executive Director, State Bar of Nevada
Perry Thompson, Admissions Office, U.S. Supreme Court

EXHIBIT 3



FILED

JUN 05 2018

STATE BAR OF NEVADA
BY: Sherie.
OFFICE OF BAR COUNSEL

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,
Complainant,
vs.
MARC J. RANDAZZA, ESQ.,
Nevada Bar No. 012265,
Respondent.

CONDITIONAL GUILTY PLEA
IN EXCHANGE FOR A STATED
FORM OF DISCIPLINE

Marc J. Randazza ("Respondent"), Bar No. 012265 hereby tenders to Assistant Bar Counsel for the State Bar of Nevada a Conditional Guilty Plea ("Plea") pursuant to Supreme Court Rule ("SCR") 113(1) and agrees to the imposition of the following Stated Form of Discipline in the above-captioned cases.

I.
CONDITIONAL GUILTY PLEA

Through the instant Plea, Respondent agrees and admits as follows:

1. Respondent is now and at all times since January 6, 2012 was a licensed attorney in the State of Nevada.

2. The State Bar filed a Formal Complaint on the above referenced case on January 25, 2016. Thereafter, the State Bar filed an Amended Complaint on December 16, 2016. Respondent filed various Motions to Dismiss the Amended Complaint and then ultimately filed a Verified Response to the Amended Complaint on October 23, 2017.

3. In accordance with the Stipulation of Facts herein, Respondent pleads guilty and admits that he violated Rules of Professional Conduct ("RPC") as follows:

II.
STIPULATION OF FACTS

The facts stipulated to and agreed upon between Respondent and the State Bar of Nevada in support of this conditional plea are as follows:

1. Respondent is now a licensed attorney in the states of Nevada, California, Florida, Arizona, and Massachusetts. Respondent became licensed in the State of Nevada on or about January 6, 2012 and has been assigned Bar No. 12265.

2. In or about June 2009, Respondent entered into an agreement with Excelsior Media Corp (“Excelsior”) which provided, among other things, that Respondent would become in-house general corporate counsel for Excelsior (“Legal Services Agreement”). The Legal Services Agreement did not prohibit Respondent from also maintaining a private legal practice to provide legal services to clients other than Excelsior.

3. At the time the Legal Services Agreement was entered into, Excelsior was headquartered in California and Respondent was licensed to practice law in the State of Florida. For a period of time following execution of the Legal Services Agreement, Respondent relocated to California, obtained admission to the State Bar of California, and maintained his primary office to perform legal work for Excelsior in California.

4. At the time the Legal Services Agreement was entered into, Excelsior had a subsidiary or affiliate called Liberty Media Holdings, LLC ("Liberty"). Liberty was engaged in the business of production and distribution of pornography. After entering into the Legal Services Agreement, Respondent provided legal services to both Excelsior and Liberty, although no separate agreement was entered into by and between Liberty and Respondent.

5. In or about February 2011, Excelsior relocated its corporate headquarters to Las Vegas, Nevada. In or about June 2011, Respondent relocated to Las Vegas, Nevada and continued working as general corporate counsel for Excelsior. Prior to June 2011, Respondent was not

1 engaged in the practice of law in the State of Nevada in any capacity, except to the extent such
2 was in his capacity as a member of the bar of the U.S. District Court for the District of Nevada.

3 6. At the direction of Excelsior, Respondent pursued violations of Liberty's
4 intellectual property rights by third parties through his separate law firm.

5 7. On or about June 20, 2012, Respondent, on behalf of Liberty, filed a lawsuit in US
6 District Court, District of Nevada against FF Magnat Limited d/b/a Oron.com ("Oron") for alleged
7 violations of Liberty's intellectual property. See Case No. 2:12-cv-01057-GMN-RJJ (hereinafter
8 "Oron Litigation").

9 8. On or about June 21, 2012, Respondent obtained an injunction in the Oron
10 Litigation freezing certain accounts and funds belonging to Oron.

11 9. On July 1, 2012. Respondent and attorneys for Oron signed a letter memorializing
12 settlement terms in regards to the Oron Litigation and a similar case between the two parties in
13 Hong Kong (hereinafter "Settlement Letter"). An essential part of the Settlement Letter was that
14 Oron would pay Liberty the sum of \$550,000 with said sum payable to Respondent's Attorney-
15 Client Trust Account.

16 10. A dispute arose after the Settlement Letter was signed. On behalf of Liberty.
17 Respondent filed a Motion to Enforce Settlement.

18 11. By Order dated August 7, 2012, the United States District Court found that the
19 Settlement Letter constituted an enforceable contract as there was a "meeting of the minds as to all
20 material terms on July 5, 2012." A Judgment was entered in the docket of the above-entitled
21 Court in favor of Liberty as Judgment Creditor and against Oron as Judgment Debtor for
22 \$550,000.00.

23 12. By Order dated August 21, 2012, the United States District Court ordered PayPal,
24 Inc., to transfer funds belonging to Oron to satisfy the Judgment by paying \$550,000.00 to the
25 trust account of Randazza Legal Group.

1 13. Between August 7, 2012 and August 13, 2012, Respondent and Oron continued
2 discussions regarding reducing the terms of the Settlement Letter and the Judgment into a more
3 definitive written agreement although the District Court had already enforced the settlement and
4 reduced the \$550,000.00 settlement amount ("Settlement Amount") to judgment ("Post-Judgment
5 Discussions").

6 14. During the Post-Judgment Discussions, Oron informed Respondent that it wanted
7 to enter into an agreement to retain Respondent for bona fide legal services, which would have the
8 practical effect of potentially conflicting off Respondent from ever representing a client in
9 litigation against Oron in the future.

10 15. Subject to the agreement of Liberty and Liberty's execution of a written agreement,
11 Respondent negotiated a separate agreement with Oron whereby \$75,000 of Oron's frozen funds
12 would be released to Oron's counsel with the understanding, but no guarantee, that such funds
13 would be used to retain Respondent as counsel for Oron for the payment of \$75,000, which would
14 have the practical effect of potentially conflicting Respondent off any future litigation against
15 Oron ("Post-Judgment Agreement").

16 16. On or about August 13, 2012, Respondent informed Liberty of the proposed Post-
17 Judgment Agreement by presenting a copy thereof to Liberty's CEO Jason Gibson for his review,
18 approval and signature. The Post-Judgment Agreement encompassed the payment of the
19 \$550,000 Settlement Amount and Judgment by Oron to Liberty as well as the release of \$75,000
20 of Oron's frozen funds to Oron's counsel.

21 17. On or about August 13, 2012, Respondent and Jason Gibson discussed the
22 proposed unfreezing of \$75,000 of Oron's funds. Jason Gibson expressed concerns to Respondent
23 about the disposition of that \$75,000 and did not consent to such unfreezing.

24 18. As a result of the August 13, 2012 discussion between Jason Gibson and
25 Respondent, the Post-Judgment Agreement was not executed. Oron's frozen funds were not

1 released, Respondent did not receive a \$75,000 payment, and Respondent did not become counsel
2 for Oron which might have conflicted him off from opposing Oron in future litigation.
3

4 19. In response to the District Court's Order dated August 21, 2012, PayPal transferred
5 \$550,000 of Oron's funds to pay the \$550,000 Settlement Amount and Judgment in favor of
6 Liberty. A full and proper accounting of those funds has occurred with Liberty receiving its
7 appropriate share.
8

9 20. During August of 2012, Respondent and Jason Gibson also discussed pursuing
10 further litigation on behalf of Liberty against Oron and/or its affiliates or related parties in
11 overseas jurisdictions. Respondent estimated additional litigation costs and expenses (not to
12 include attorney's fees) in an amount approximating \$50,000. Mr. Gibson informed Respondent
13 that Liberty was prepared to advance \$25,000 for additional costs and expenses if Respondent
14 would advance the other half. Respondent informed Mr. Gibson that he would personally advance
15 the additional required \$25,000. To memorialize the \$25,000 as an advancement of costs and
16 expenses, Respondent requested Liberty execute a promissory note to that effect.
17

18 21. On or about August 21, 2012, pursuant to Respondent's advancement to Liberty of
19 the \$25,000, Mr. Gibson signed a promissory note on Liberty's behalf noting the terms of
20 repayment.
21

22 22. Respondent did not advise Liberty, in writing, of its right to seek the advice of
23 independent counsel with regards to the promissory note.
24

25 23. Respondent's employment by Excelsior ceased on or about August 29, 2012 after
he indicated a likely need to withdraw from representing Liberty. Respondent and Excelsior
dispute whether Respondent resigned or was terminated by Excelsior.
26

27 24. RPC 5.6 reads, in part, that "[a] lawyer shall not participate in offering or making
28 ... [a]n agreement in which a restriction on the lawyer's right to practice is part of the settlement
29 of a client controversy." As part of the negotiations culminating in the drafting of the proposed
30

1 Post-Judgment Agreement to which Liberty was a proposed party and signatory, Respondent
2 offered to enter into an agreement which would have the likely effect of restricting Respondent's
3 right to practice law.
4

5 25. RPC 1.8(a) mandates that "a lawyer shall not enter into a business transaction with
6 a client or knowingly acquire an ownership, possessory security or other pecuniary interest
7 adverse to a client unless: (1) the transaction and terms on which the lawyer acquires the interest
8 are fair and reasonable to the client and are fully disclosed and transmitted in writing in a manner
9 that can be reasonably understood by the client, and (b) the client is advised in writing of the
10 desirability of seeking and is given a reasonable opportunity to seek the advice of independent
11 legal counsel on the transaction." Respondent did not advise Liberty, in writing, of the desirability
12 or advisability of seeking the advice of independent legal counsel on the fairness of the \$25,000
13 advance or give Liberty the reasonable opportunity to seek the advice of independent counsel
before accepting the advance and signing the promissory note.

14 **AGGRAVATION / MITIGATION**

15 1. Pursuant to SCR 102.5(1) (Aggravation and mitigation), the Parties considered the
16 following *aggravating* factors in considering the discipline to be imposed:

17 (i) Substantial experience in the practice of law.
18

19 2. Pursuant to SCR 102.5(2) (Aggravation and mitigation), the Parties considered the
20 following *mitigating* factors in considering the discipline to be imposed:
21

22 (a) Absence of prior disciplinary record;
23

24 (e) Full and free disclosure to disciplinary authority or cooperative attitude toward
25 proceeding including Respondent's self-reporting of the results of an arbitration
proceeding which reopened this matter after the initial complaint had been closed;

(j) Delay in disciplinary proceedings recognizing that all allegations relate to alleged conduct occurring almost 6 and 7 years prior to this Conditional Guilty Plea with no further complaints filed with the bar subsequent to that time.

III. **STATED FORM OF DISCIPLINE**

Based upon the above and foregoing, the Parties agree to recommend attorney discipline subject to the following conditions:

1. The Respondent agrees to accept a term of suspension of 12 months, with the suspension stayed; said suspension is to begin on the date of the Nevada Supreme Court's Order approving the conditional guilty plea in this matter.
 2. The Respondent will be placed on an eighteen-month term of probation, said probation to begin on the date of the Nevada Supreme Court's order approving the conditional guilty plea in this matter.
 3. The Respondent will "stay out of trouble" during his term of probation, meaning that he will have no new grievance arising out of conduct post-dating the date of this Conditional Guilty Plea resulting in the imposition of actual discipline (a Letter of Reprimand or above- SCR 102) against him during his term of probation.
 4. The Respondent will successfully complete twenty hours of Continuing Legal Education ("CLE"), in addition to his normal CLE requirements, during his term of probation. The twenty CLE hours will all be ethics credits, cannot be used as credit against any other CLE requirements, and will be reported to the State Bar of Nevada.
 5. The Respondent will seek the advice and approval of an independent and unaffiliated ethics attorney in the relevant jurisdiction before obtaining any conflicts of interest waivers during the probationary period.

1 6. The Respondent agrees to pay SCR 120(1) fccs in the amount of \$2,500.00, and to
2 pay the actual costs of the disciplinary proceeding. That amount is to be paid in full within thirty
3 days of receipt of a billing from the State Bar.

4 7. If any of these terms is violated by the Respondent, it will be grounds for the State
5 Bar to seek to impose the stayed portion of the suspension.

6 IV.

7 CONDITIONAL AGREEMENT BY THE STATE BAR

8 Conditional to approval by the Nevada Supreme Court of the instant Plea, the State Bar
9 agrees to:

10 1. Dismiss all remaining allegations of violations of Rules, with prejudice.

11 V.
12 APPROVAL OF RESPONDENT

13 Having read the Plea and being satisfied with it, the same is hereby approved by
14 Respondent.

15 Respondent acknowledges that he has had the opportunity to discuss this Plea with counsel
16 of his choosing. Respondent fully understands the terms and conditions set forth herein and enters
17 into this Plea freely and voluntarily.

18 DATED this 22 day of May, 2018.

19 
20 Marc J. Randazza, Esq.
21 Nevada Bar No. 012265
22 c/o Dominic Gentile, Esq.
23 410 South Rampart Boulevard, Suite 420
24 Las Vegas, NV 89145

1 V.
2

APPROVAL OF BAR COUNSEL

3 Having read the Plea tendered by Respondent and being satisfied with the contents therein,
4 I hereby approve and recommend the Plea for approval by the Formal Hearing Panel.

5 DATED this 4 day of May, 2018.

Janeen

6 STATE BAR OF NEVADA
7 Janeen V. Isaacson, Acting Bar Counsel

8 By: 
9 Matthew Carlyon
10 Assistant Bar Counsel
11 Nevada Bar No. 12712
12 3100 W. Charleston Blvd., Suite 100
13 Las Vegas, Nevada, 89102

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EXHIBIT 4

BEFORE THE PRESIDING DISCIPLINARY JUDGE

IN THE MATTER OF A MEMBER OF
THE STATE BAR OF ARIZONA,

**MARC J. RANDAZZA,
Bar No. 027861**

Respondent.

PDJ-2018-9110

**FINAL JUDGMENT AND
ORDER OF REPRIMAND
AND PROBATION**

[State Bar No. 18-3420-RC]

FILED JANUARY 14, 2019

Under Rules 54(h) and 57(b), *Reciprocal Discipline*, Ariz. R. Sup. Ct.,¹ a certified copy of the Supreme Court of Nevada's Order Approving Conditional Guilty Plea Agreement was received by the Presiding Disciplinary Judge (PDJ).

The Order imposed a 12-month suspension, which was stayed for 18 months subject to conditions. The conditions include the following terms: Respondent shall have no new grievances out of conduct post-dating the date of the plea which results in the imposition of discipline; 2) successfully complete during the period of probation 20 hours of continuing legal education (CLE) in ethics in addition to any yearly CLE requirements; 3) seek the advice and approval of an independent and unaffiliated ethics attorney in the relevant jurisdiction before obtaining any conflict of interest waivers during the period of probation; 4) pay actual costs of disciplinary

¹ Unless otherwise stated, all rule references are to the Ariz. R. Sup. Ct.

proceeding including \$2,500.00 under SCR 120. The suspension was for Mr. Randazza's failure to avoid conflict of interests with clients and failure to advise the client of their right to seek the advice of independent counsel regarding a promissory note.

Notice of the filing of that Order was issued to the parties on November 11, 2018, in compliance with Rule 57(b)(2). Under Rule 57(b)(3), the PDJ "shall impose the identical or substantially similar discipline" unless Bar Counsel or Respondent establishes by preponderance of the evidence one of the four elements listed under that rule. Both the State Bar and Mr. Randazza filed responses. The State Bar asserts under Rule 57(b)(3), no factors are applicable, and a sanction of reprimand and probation are appropriate under the facts of this matter. Mr. Randazza asserts suspension in this matter is not warranted and would in fact be punitive. He states the appropriate resolution in this matter is to stay these proceedings until successful completion his term of probation in Nevada and to then dismiss this matter. In the alternative, Mr. Randazza requests a reprimand, or at most, be placed on probation with no additional terms.

Arizona does not recognize a stayed suspension subject to conditions. Rule 60, Ariz. R. Sup. Ct. Therefore, the imposition of an identical sanction is not appropriate and a suspension in Arizona may not be stayed in favor of probation.

We are reminded that the objective of lawyer discipline proceedings is to protect the public, the profession, and the administration of justice, and not to punish the lawyer. *In re Neville*, 147 Ariz. 106, 708 P.2d 1297. Imposing a reprimand and probation serves to advise the Bar and the public that Mr. Randazza engaged in conduct that violated the Rules of Professional Conduct. It serves the purpose of protecting the public, the integrity of the profession, educating other lawyers, and instilling confidence in the integrity of the disciplinary process. A reprimand and eighteen (18) months of probation is substantially similar discipline

Now Therefore,

IT IS ORDERED imposing reciprocal discipline of reprimand and eighteen (18) months of probation upon Respondent, **MARC J. RANDAZZA, Bar No. 027861**, effective immediately.

IT IS FURTHER ORDERED Mr. Randazza shall be placed on probation for eighteen (18) months to run concurrently with the terms and conditions as set forth in the Nevada Order Approving Guilty Plea Agreement dated October 10, 2018.

IT IS FURTHER ORDERED Mr. Randazza shall be responsible for the costs associated with this matter in the amount of \$1,200.00.

DATED this 14th day of January 2019.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copy of the foregoing e-mailed/mailed
this 14th day of January 2019, to:

Jon Weiss
Lewis Roca Rothgerber Christie LLP
201 E. Washington Street, Suite 1200
Phoenix, AZ 85004-2595
Email: jweiss@lrrc.com
Respondent's Counsel

Maret Vessella
Chief Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, AZ 85016-6288
Email: LRO@staff.azbar.org

by: AMcQueen

1 Jay M. Wolman (D.C Bar No. 473756)
2 RANDAZZA LEGAL GROUP, PLLC
3 100 Pearl Street, 14th Floor
Hartford, CT 06103
Tel: (702) 420-2001
ecf@randazza.com

5 Counsel for Defendants

6

7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF COLUMBIA**

10 **DR. JEROME CORSI and LARRY
KLAYMAN,**

11 Plaintiffs,

12 vs.

13 **INFOWARS, LLC, FREE SPEECH SYSTEMS,
LLC, ALEX E. JONES, DAVID JONES, and
OWEN SHROYER,**

16 Defendants.

17 CIVIL ACTION NO. 1:19-cv-00656-ESH

18 **ORDER**

19 It is ordered that Marc John Randazza be granted leave to appear pro hac
vice on behalf of Defendants.

20 Dated:

21 _____
The Hon. Ellen Segal Huvelle
22 United States District Judge

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